



Paper No. ~~18~~ 12

JUN 2 - 2003

MCDERMOTT WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of: : TECHNICAL FIELD
Charles S. Palm, et al. : DECISION ON PETITION
Application No. 09/117,219 :
Filed: January 13, 1999 :
For: 3D STEREO BROWSER FOR
THE INTERNET

This is a decision on the petition filed October 17, 2002, to withdraw the holding of abandonment for the above-identified application. This decision is also responsive to the Request for Corrected Filing Receipt, filed February 24, 2003.

This application was held abandoned for failure to respond to the non-final Office action, mailed June 20, 2001. A Notice of Abandonment was mailed September 19, 2002.

Petitioner asserts that the non-final Office action was never received. A review of the file for the above-identified application reveals that a Change of Correspondence Address was received in the Office on January 13, 1999. This Change of Correspondence Address was matched with the file but was not properly entered until after the non-final Office action was mailed to the prior correspondence address of record.

In view thereof, there was an irregularity in the mailing of the non-final Office action mailed June 20, 2001, as it was mistakenly mailed to an incorrect correspondence address. The Patent and Trademark Office regrets any inconvenience to Petitioner. Accordingly, the Notice of Abandonment is vacated and the holding of abandonment withdrawn.

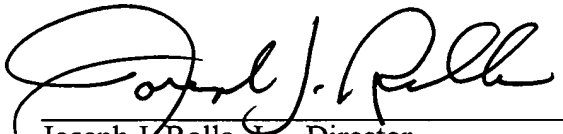
The petition is **GRANTED**.

The correspondence address for the above-identified application has been updated. Due to the time lapse from the previous Office action and this decision, the file will be forwarded to the examiner for updating the search and Office action as appropriate. The time period for response will be set to run from the mailing date of the new action.

Since no fee is required for a petition for withdrawal of the holding of abandonment, no fee has been charged.

In response to the Request for Correction to the Filing Receipt filed February 24, 2003; a Corrected Filing Receipt was mailed May 23, 2003 which now correctly identifies the claim for benefit to the provisional application. Please note that the requested correction to the filing date is not appropriate and has not been made. As set forth in bold print in the "Notification of Acceptance of Application Under 35 U.S.C. 371 And 37 C.F.R. 1.494 or 1.495" (Form PCT/DO/EO/903, mailed March 29, 1999); the date appearing on the filing receipt as the "filing date" is the date on which the last of the 35 U.S.C. 371(C) requirements were received in the Office.

Although the request for examination was received on July 24, 1998; a "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" (Form PCT/DO/EO/905) was mailed December 14, 1998. The missing requirements were received on January 13, 1999; which is therefore appropriate referenced as the filing date.



Joseph J. Rolla, Jr., Director
Technology Center 2600
Communications